

REMARKS

Applicant wishes to thank SPE Thomas Denion for the courtesy extended to the undersigned attorney during the personal interview held on September 6, 2006. The substance of the interview is substantially set forth in these remarks.

It is noted that the Interview Summary prepared on the date of the interview is undated. It is respectfully requested that the Examiner mail a corrected Interview Summary that bears the date of September 6, 2006.

STATUS OF THE CLAIMS

Claims 1-19 were examined. This Amendment adds new claim 20, and amends claims 1 and 19. Claims 1-20 are therefore presented for reconsideration. Claims 1, 9, 18 and 19 are independent.

Claims 9-17 are allowed. Claims 1-8, 18 and 19 stand rejected over prior art.

THE AMENDMENTS

Claims 1 and 19 are amended mostly as to form by rearranging several recitations; by substituting “device” for “mechanism” in regard to the “installation-angle adjusting” limitation; and by substituting “by way of movement” for “by moving” in regard to the “movable operating member.” Claim 19 is additionally amended by inserting “the movable operating member” in regard to the recited “movement.” New claim 20 is similar to allowed claim 9, but is slightly different in scope. No new matter is introduced by these amendments.

THE REJECTION

Claims 1-8, 18 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by Fujimoto (US 5,704,316). The rejection is respectfully traversed for at least the following reasons.

Independent apparatus claims 1, 19 and 20 recite, *inter alia*, an installation-angle adjusting device in which “**an electromagnetic force** depending on engine operating

conditions” effects relative movement of parts to vary a relative-rotation phase between crankshaft and camshaft. Independent method claim 18 similarly recites the use of “**an electromagnetic force** depending on engine operating conditions” for converting rotational movement to radial displacement to accomplish the same purpose.

The Office Action *erroneously* characterizes Fujimoto as disclosing a movable operating member that moves “in a substantially radial direction of the camshaft *by an electromagnetic force* (See Figure 2 (40), (66)).” Office Action, p. 3 (emphasis added). Rather, the component denoted by reference sign 40 is a viscous coupling; and the component denoted by reference sign 66 is a ring-shaped oil seal (see col. 5, lines 30-67 of Fujimoto). These components are manifestly incapable of generating an electromagnetic force. Indeed, there simply is no disclosure in Fujimoto of the use of an electromagnetic force to effect movement of *any* component.

It was pointed out during the interview that Fujimoto is a resurrected reference, having been applied against the claims in the very first Office Action (dated December 3, 2004), and then *withdrawn* in the face of the same argument. See the Amendment filed March 3, 2005, at pp. 7-8. See, also, the subsequent Office Action (dated August 26, 2005), at p. 2 (“The arguments with respect to the references applied in the first Office Action were deemed persuasive”). Examiner Denion agreed that the rejection was improper, stating that “the applied [Fujimoto] reference failed to disclose the movable member being moved by electromagnetic force.” Interview Summary of September 6, 2006.

In view of the foregoing, Fujimoto does not anticipate any of the claims. Accordingly, the rejection should be withdrawn.

Finally, during the interview the Examiner raised the possibility of an obviousness-type double patenting rejection based on Applicant’s parent patent, US 6,832,585. Applicant will address such a rejection if and when it is formally made.

CONCLUSION

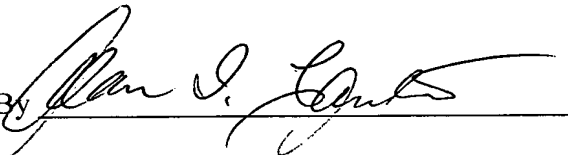
Applicant respectfully submits that the application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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